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9 MS. SAM: Thank you. Good afternoon.

10 My name is Lorinda Sam. I'm the
11 Environmental Director for the Ely Shoshone Tribe. I am
12 here to present comments in regard to the Yucca Mountain
13 project.

14 Comment one. The Ely Shoshone Tribe believe
15 it is essential that the Department of Energy recognize
16 the trust responsibility and maintain
17 government-to-government relations at all times as
18 required under executive orders and various other
19 federal mandates. DOE has violated their trust
20 responsibility to the Tribe as there has been no direct
21 and formal government-to-government relations due to no
22 consultation and/or coordination.

23 The DOE has created a consolidated group of
24 tribes and organizations (CGTO) to act on behalf of the
25 Native Americans instead of elected tribal governments.

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1 The DOE has appointed its own subcontractors, former
2 employees, and paid others as part of the CGTO. It is
3 important to note that the tribal reps who advise the
4 CGTO have gone on record as being opposed to the Yucca

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5 Mountain project because of the cultural ties and the
6 importance of the area. The CGTO has also gone on
7 record stressing the need for direct government-to-
8 government relations.

9 Comment two. As Western Shoshone people we
10 hold significant ties to the land. We use the land and
11 its resources for our existence. The Yucca Mountain
12 project can destroy our resources used by tribal
13 members, such as water, wood, grasses, pinion nuts,
14 plant for food and medicinal uses by being exposed to
15 radiation.

16 Comment three. Due to the location of Yucca
17 Mountain, an enormous transportation scheme would be
18 required with potentially disastrous accident and/or
19 terrorist consequences. As I can imagine in all rural
20 areas, there is a lack of emergency preparedness
21 training and equipment should there be an incident.

22 People outside of Nevada have a stake in this
23 process as well, since the transportation route
24 indicates that waste will pass through 43 states
25 potentially impacting 50 to 60 million Americans along

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1 transportation routes. The DOE and nuclear industry
2 would like Americans to believe that Yucca Mountain and

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3 the site recommendation is only about Nevada, yet it is
4 not.

5 Comment four. In regard to this public
6 hearing today, the Tribe just several days ago was
7 notified about this hearing. We were not notified by
8 DOE, but rather through the grapevine. This again is a
9 violation of the government-to-government relations.

10 It is to our understanding that additional
11 hearings were scheduled in only Nevada after many
12 citizens voiced their concern after the September 5th
13 hearing in Las Vegas. Why limit the hearings to only
14 Nevada? The Tribe believes that DOE should hold public
15 hearings at the same locations that they did previously
16 for the draft EIS. The Yucca Mountain project not only
17 affects Nevada, but this vast nation.

18 Comment five. According to the DOE, the
19 final EIS is expected to be released in November. The
20 final EIS will be an important basis for deciding
21 whether to recommend Yucca Mountain as a repository.
22 However, based on DOE's schedule, the final EIS will not
23 be released until after the site recommendation
24 hearings. Thus, the public will not have a complete
25 picture of the basis for the recommendation and will not

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1 have the opportunity to see the DOE's response to their
2 comments on the draft EIS.

3 The DOE plans to hold hearings and establish
4 the basis of the recommendation using proposed site
5 suitability guidelines. So the public is being asked to
6 comment on a recommendation that hinges on rules that
7 DOE has yet to codify. There is no guarantee that the
8 finalized guidelines will be the same as those proposed,
9 so the basis of the recommendation is in question.

10 In actuality there are codified existing site
11 suitability guidelines that would, if the Secretary of
12 Energy were to make a recommendation today, form the
13 only legal basis for site suitability in the
14 recommendation.

15 These existing guidelines would surely
16 disqualify Yucca Mountain. Compounding this problem,
17 these proposed guidelines hinge upon the Environmental
18 Protection Agency Yucca Mountain exposure standards that
19 are currently in litigation. If the court throws out
20 the EPA's standards, then the proposed site suitability
21 guidelines are also no good.

22 The DOE should have all the information that
23 forms a basis of the recommendation in a complete

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24 package available to the public well in advance of any
25 public process in order to allow people in Nevada and
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1 out of Nevada to review all the necessary information.

2 The public should be privy to all the information that
3 will go to the President in the statutory required site
4 recommendation report.

5 It seems clear that DOE is moving forward on
6 a site recommendation process with incomplete
7 regulations, an insufficient comment period, and
8 unavailable final EIS.

9 Final comment. For the Western Shoshone
10 people, our truth is that of a proud ancient people who
11 have existed in the Great Basin for a thousand
12 generations. We are today, as we have always been, a
13 free people with our aspirations for growth and
14 development. We wish to follow our dreams and
15 aspirations and not have our lives and that of our
16 future generations cut short by radioactive
17 contamination. Therefore, we go on record opposing the
18 Yucca Mountain project.